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W.P.No.32624 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.32624 of 2022

G.Haridoss

... Petitioner

VS.

1.The District Collector,
Collector Office,
Master Plan Complex,
Villupuram District.

2.The District Revenue Officer,
Villupuram District,
Collector Office,
Master plan complex,
Villupuram.

3.The Revenue Divisional Officer,
Villupuram.

4.Hindustan Petroleum Corporation Limited,
Represented by its Chairman and Managing Director,
Registered Office,
Mumbai-400 020.

5.Hindustan Petroleum Corporation Limited,
Regional Office, No.90, 2nd floor, MDSR Enclave,
Bharathidasan Road, Contonment,
Trichy – 620 001.

6.K.P.Thiruvengadam

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider and pass order on the petitioner representation dated 09.05.2022 and cancel the No Objection Certificate issued in favour of 4th respondent.

For Petitioner : Mr.K.Sasindran

For R1 to R3 : Mr.V.Ramesh
Government Advocate

For R4 and R5 : Mr.Mohammed Fayaz Alienation

For R6 : No Appearance

ORDER

The petitioner herein seeks a direction to the respondents 1 and 2 to consider his representation dated 09.05.2022 seeking cancellation of 'No Objection Certificate' issued in favour of the 4th respondent.

2. It is the case of the petitioner that he is the Southern half owner of the property comprised in S.No.481/1, now Town Survey No.1/1A1, Ward A, Block No.16, situated at Madras-Trichy Trunk Road, Villupuram Town. The Northern half portion originally belongs to petitioner's deceased brother's family members. On 08.01.1998, the petitioner and his brother's son Veerapandian executed a Release Deed in favour of Hindustan



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Petroleum Corporation Limited/4th respondent herein for storing of petroleum products in the above mentioned land. The lease was for a period of 25 years from 01.01.1996 to 31.12.2020. The 6th respondent herein, who is a dealer under Hindustan Petroleum Corporation Limited purchased the Northern half from petitioner's brother's legal heirs. Therefore, as on today, the 6th respondent is the owner of the Northern half and the petitioner is the owner of Southern half. Since the lease period is already expired on 31.12.2020, the petitioner is not willing to extend the lease and he submitted letters to the respondents 4 to 6 seeking surrender of his property.

3. It is further claimed by the petitioner that since the lease period in respect of Southern half is already over as early as 31.12.2020 under Rule 150 of Petroleum Rules, 2002, the 1st respondent is bound to cancel the No Objection Certificate as the Licencee had ceased to have any right over the Southern half of the site. In this regard, the petitioner submitted a representation before the 1st respondent on 09.05.2022 and the same has not been considered till date. Hence, the petitioner is before this Court.



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4. Heard Mr.K.Sasindran, learned counsel appearing for the petitioner, Mr.V.Ramesh, learned Government Advocate appearing for the respondents 1 to 3 and Mr.Mohammed Fayaz Ali, learned counsel appearing for the respondents 4 and 5.

5. Though the 6th respondent was served and counsel entered appearance, there is no representation for the 6th respondent.

6. The learned counsel appearing for the respondents 4 and 5 based on the counter affidavit filed on behalf of respondents 4 and 5, submitted that 6th respondent already acquired 50% ownership over the subject site and therefore, the request of the petitioner cannot be considered.

7. According to the petitioner, he is the owner of the Southern half and 6th respondent is the owner of the Northern half. Therefore, according to the petitioner, the lease arrangement with Hindustan Petroleum Corporation Limited has come to an end on 31.12.2020 in respect of petitioner's property namely the Southern half.



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8. In such circumstances, the 1st respondent is directed to consider the representation submitted by the petitioner dated 09.05.2022 and pass final orders on its own merits and in accordance with law, after giving due opportunity to the petitioner as well as respondents 4 to 6, within a period of twelve weeks from the date of receipt of copy of this order. It is made clear that this Court is not expressing any opinion on the claim made by the petitioner in respect of Southern half of the subject site.

9. With the above direction and clarification, the Writ Petition stands disposed of. No costs.

20.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

1. The District Collector,
Collector Office, Master Plan Complex,
Villupuram District.
2. The District Revenue Officer,
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3. The Revenue Divisional Officer, Villupuram.

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S.SOUNTHAR, J.

dm

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